

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION

MICHAEL EDWARD VOYLES

PLAINTIFF

V.

CIVIL ACTION NO. 3:13CV1041 DPJ-FKB

SCOTT MARQUARDT, ET AL.

DEFENDANTS

ORDER

This cause came on this date to be heard upon the unopposed Report and Recommendation of the United States Magistrate Judge, after referral of hearing by this Court. Plaintiff, a state prisoner, filed this action pursuant to 42 U.S.C. § 1983 alleging that conditions at the prison violate his rights under the Eighth Amendment. Magistrate Judge F. Keith Ball held a *Spears* hearing and concluded that the action should be dismissed a frivolous pursuant to 28 U.S.C. § 1915(e)(2)(B)(I). The Court, having fully reviewed the unopposed Report and Recommendation of the United States Magistrate Judge entered in this cause, and being duly advised in the premises, finds that said Report and Recommendation should be adopted as the opinion of this Court.¹

IT IS, THEREFORE, ORDERED that the Report and Recommendation of United States Magistrate Judge F. Keith Ball be, and the same is hereby, adopted as the finding of this Court, and the same entire action should be dismissed.

A separate judgment will be entered herein in accordance with the Order as required by Rule 58 of the Federal Rules of Civil Procedure.

¹ Plaintiff has not filed an Objection to the Report and Recommendation, and the time to do so has passed.

SO ORDERED AND ADJUDGED this the 27th day of May, 2014.

s/ *Daniel P. Jordan III*

UNITED STATES DISTRICT JUDGE